

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Chuck Booms,)
Plaintiff,) Case No. 1:23-cv-02099
vs.)
Gray Media Group, Inc.,) Judge
Defendant.) Notice of Removal

In accordance with 28 U.S.C. §§ 1441 and 1446, Gray Media Group, Inc. hereby submits its notice of removal of the above-captioned case from the Court of Common Pleas, Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division, and states the following as ground for doing so:

1. On October 18, 2023, plaintiff Chuck Booms filed a civil complaint against defendant Gray Media Group, Inc. ("Gray Media") in the Court of Common Pleas, Cuyahoga County, Ohio, entitled *Chuck Booms v. Gray Media Group, Inc.*, No. CV-23-987171, Judge Shirley Strickland Saffold presiding.
2. On October 25, 2023, copies of the summons and complaint were first served upon Gray Media. True copies of the summons and complaint are attached as Exhibit A.
3. As Boom's complaint admits, Gray Media is a foreign corporation. (See Compl. ¶ 2.) Gray Media is a Delaware corporation with a principal place of business in the state of Georgia.
4. Booms alleges that Gray Media used his "name, publicity, persona, personality and/or privacy without authorization related to and to promote the broadcast of 'The Fifth

Quarter,” on the WOIO Channel 19 television station owned and operated by Gray Media. (Compl. ¶¶ 3, 5.)

5. Booms sues for statutory and common-law right of publicity (Counts One and Two) and unjust enrichment (Count Three).

6. Booms’ complaint demands actual damages, statutory damages, punitive damages, and attorneys’ fees, and he avers that the statutory damages alone “could amount to \$650,000.” (Compl. ¶ 14.) Thus, the amount in controversy exceeds \$75,000.

7. Under the federal diversity jurisdiction statute, 28 U.S.C. § 1332, Gray Media is deemed a citizen of the state in which it is incorporated (Delaware) and the state of its principal place of business (Georgia).

8. Booms is an Ohio citizen. (Compl. ¶ 1.)

9. Gray Media has not moved or pleaded against Booms’ complaint in the state action.

10. The district courts of the United States have original jurisdiction over this civil action under the federal diversity jurisdiction statute, 28 U.S.C. § 1332, because the action is between citizens of different states and the matter in controversy exceeds \$75,000.

11. Because the district courts of the United States have original jurisdiction over this civil action, Gray Media may remove this action under the removal statute, 28 U.S.C. § 1441.

12. The United States District Court for the Northern District of Ohio, Eastern Division, is the proper district and division in which to remove the action, according to 28 U.S.C. § 1441, because this district and division embrace Cuyahoga County, Ohio, where the state action is pending.

13. In accordance with 28 U.S.C. § 1446(d), Gray Media will promptly send a copy of this notice by ordinary U.S. mail to Booms' attorney. Gray Media also will promptly file a copy of this notice with the Clerk of Court for the Court of Common Pleas, Cuyahoga County, Ohio.

14. Gray Media's removal is timely because it files this notice within 30 days after receiving service of the summons and complaint.

Respectfully submitted,

Dated: October 26, 2023

s/ Matthew J. Cavanagh

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Certificate of Service

I hereby certify that on October 26, 2023, a copy of the foregoing was filed electronically and was sent by e-mail and ordinary U.S. mail to plaintiff's attorney David Glenn Phillips (d.g.phillips@davidglennphillips.com) at 4403 St. Clair Ave., Cleveland, OH 44103. Notice of this filing also will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

s/ Matthew J. Cavanagh
Counsel for Gray Media Group, Inc.